

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARIAN CHOJNOWSKI,

Plaintiff,

vs.

No. CIV 05-0787 JB/RHS

BENIPAL TRUCKING; HARVINDER SINGH;
PAUL MANAN d/b/a MANAN TRUCKING;
SMITH & SON TIRE CO.,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant Paul Manan d/b/a Manan Trucking's Request for Scheduling Conference, filed November 13, 2006 (Doc. 61). The Court set a Scheduling Conference on November 22, 2006. The primary issue is whether the Court should extend the discovery deadline, the deadline to file dispositive motions, and other deadlines, and continue the trial date. Before the November 22, 2006 scheduling conference commenced, the Court's Courtroom Deputy conferred with counsel for all parties and the parties discussed and stipulated to new case deadlines and settings. Because Manan was not a party when the Court set the original deadlines and trial date, and because Manan had shown good cause for extensions of the current deadlines, the Court will adopt the parties' stipulations and set new deadlines for the case.

PROCEDURAL BACKGROUND

The Court filed its initial pretrial report on March 22, 2006, scheduling all litigation deadline dates in this case, including the trial date. See Initial Pretrial Report, filed March 22, 2006 (Doc. 21). Neither Defendant Smith & Son Tire Co. ("Smith") nor Defendant Manan Trucking ("Manan") were

parties to the case at that time. See id. Chojnowski filed an amended complaint on April 21, 2006, adding Manan Trucking and Smith as Defendants. See Amended Complaint for Personal Injuries, filed April 21, 2006 (Doc. 29).

On September 18, 2006, Smith filed its unopposed motion to extend the deadline to identify experts, as well as the deadline for discovery, by an additional thirty days. See Defendant Smith & Son Tire, Co.'s Unopposed Motion to Extend Deadline to Identify Experts and Deadline for Discovery, filed September 18, 2006 (Doc. 49). Smith based its motion on the fact that it had recently been added to the case as a new Defendant, and needed additional time to identify experts and conduct discovery. See id. ¶ 4, at 1. The Court issued its order granting the motion on September 19, 2006. See Order Extending Deadline to Identify Experts and Deadline for Discovery, filed September 19, 2006 (Doc. 50). The Court's order established the deadline to identify experts as October 11, 2006, and the deadline to complete discovery as November 9, 2006. See id. ¶¶ 1-2, at 1.

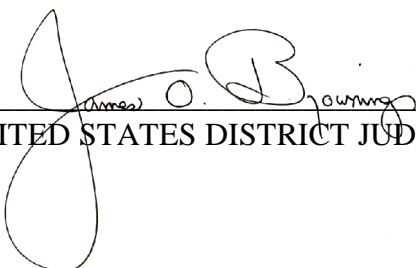
On October 11, 2006, Smith requested that the Court extend the deadline for the Defendants to identify experts and the deadline for discovery by an additional thirty days. See Defendant Smith & Son Tire, Co.'s Motion for Second Extension of Deadline to Identify Experts and Deadline for Discovery, filed October 11, 2006 (Doc. 53). The Court granted Smith's second extension request on November 8, 2006. See Memorandum Opinion and Order, filed November 8, 2006 (Doc. 59). In the Court's Memorandum Opinion and Order granting Smith's second extension request, the Court stated that any party may request a scheduling conference if, after reviewing the Court's order, one was still needed. See id. at 4. Pursuant to the Court's November 8, 2006 Memorandum Opinion and Order, Manan requested a scheduling conference and the Court scheduled a conference for November

22, 2006. See Request for Scheduling Conference, filed November 13, 2006 (Doc. 61); Notice of Status/Scheduling Conference, filed November 15, 2006 (Doc. 66).

Before the November 22, 2006 scheduling conference commenced, the Court's Courtroom Deputy conferred with counsel for all parties, and the parties discussed and stipulated to new case deadlines and settings. Because Manan was not a party when the Court set the original deadlines and trial date, and because Manan had shown good cause for extensions of the current deadlines, the Court will adopt the parties' stipulations and set new deadlines for the case.

IT IS ORDERED that Defendant Paul Manan d/b/a Manan Trucking's Request for Scheduling Conference is dismissed as moot. Pursuant to counsel's agreement, the following case deadlines and settings shall supercede any previously imposed:

Discovery Deadline:	February 9, 2007
Discovery Motions due:	March 1, 2007
Deadline for Plaintiff to identify experts/disclosure their reports/prepared to be deposed	December 23, 2006
Deadline for Defendants to identify experts/disclosure their reports/prepared to be deposed	January 15, 2007
Pretrial Motions due:	March 1, 2007
Pretrial Order due from Plaintiff to Defendants:	April 19, 2007
Pretrial Order due from Defendants to Court:	April 26, 2007
Motion Hearing:	April 11, 2007 at 9:00 a.m.
Pretrial Conference:	April 27, 2007 at 12:00 p.m.
Jury Selection/Jury Trial (trailing docket):	May 14, 2006 at 9:00 a.m.
Deadline to Set Private Mediation	January 31, 2007


UNITED STATES DISTRICT JUDGE

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